

**PLANNING & ZONING COMMISSION**  
**MEETING MINUTES**  
**October 25, 2016**  
**6:00 PM**

**Present:** Sarah Murphy  
Debi Renfro  
Kenneth Collins  
Steve Gulas  
Mike Menchinger  
Derryll Anderson (Late Arrival)

Chair Murphy called the October 25, 2016 meeting to order. The first item on the agenda was approval of minutes for the September 27, 2016 meeting.

Chair Murphy called for a motion on the minutes.

**Motion:** Commissioner Collins moved to approve the minutes from September 27, 2016 meeting.

**Second:** Commissioner Gulas

**Vote:** Unanimous

Motion carried

Chair Murphy stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Chair Murphy asked the Commissioners “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Chair Murphy and all of the Commissioners responded no.

Chair Murphy asked the Commissioners “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

All Commission members and Chair Murphy responded no.

Chair Murphy requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Chair Murphy stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the Planning and Zoning department if anyone would like a copy.

### **OLD BUSINESS**

#### **Fayette Ventures, LLLP. - Behind Hwy. 92 & Jimmy Mayfield Annexation & Rezoning Request/File #16-022.**

Commissioner Gulas recused himself.

Chair Murphy called for staff report on the project. Ms. Prince reported the 29-acre site is located adjacent to the southern Fayetteville city limit, behind the commercially zoned properties fronting on Highway 92 Connector and Jimmy Mayfield Blvd. The property is currently zoned R-40 (Single Family Residential) in Fayette County.

- To the north is zoned C-3 (Highway Commercial)
- To the south is zoned AR /county (Agricultural-Residential)
- To the east is zoned RTHC (Residential Townhouse Condominium) and R-40 (in Fayette County)
- To the west is zoned R-40 (in Fayette County)

The applicant is seeking annexation into the City of Fayetteville and a zoning designation of RTHC-PUD (Residential Townhouse Condominium) to allow the subject parcel to be combined with five neighboring parcels already located in the City of Fayetteville for development of a residential community, tentatively called “The Meadows”.

The proposed concept plan shows a total of 192 single family detached and 78 attached homes over the entire 98-acre site. Approximately 39 single family detached homes would be located on the 29 acres to be considered for annexation. Ingress and egress for the residential community are proposed via two entrances on the Highway 92 Connector.

After receiving an objection letter from Fayette County, the city went through the legal binding arbitration process required by the Department of Community Affairs. The arbitration hearing was held on October 14, 2016 and the panel ruled the County’s objection was invalid.

As part of the review, staff conducted the following analysis:

City staff reviews brought forth no comments or issues relating to this request.

#### **Comprehensive Plan/Future Land Use**

Because the subject property is not currently within the City of Fayetteville, there is no future land use designation for the area. The Comprehensive Plan places the surrounding properties in the

Neighborhood Mixed Use character area. Within Neighborhood Mixed Use, the following description is given:

*Mixed land uses appropriate for a more residential, less densely populated area. These land uses provide a transition from downtown mixed- use to residential and other land uses. This area allows for an appropriate level of commercial and office activities that have a minimal impact on the surrounding residential uses. A balance of residential uses appropriate for this area can include single-family detached, townhouses, and condominiums. Appropriate non-residential uses include neighborhood scale retail and service businesses and public institutional and professional uses.*

**Staff recommendation** - The demand for new housing in Fayetteville has become evident. With the exception of the Villages at Lafayette (67 lots) and Oakleigh Manor (currently under construction with 77 lots) the existing subdivisions located in the City of Fayetteville are completely built out.

Due to these reasons, and the fact that the annexation/rezoning request is in keeping with the Future Land Use Map for the surrounding area. Staff recommends approval of the annexation/rezoning request.

Chair Murphy called on the applicant for comments. Mr. Bob Rolader gave an overview of the project.

Chair Murphy called for Public Comments: The following county residents from the Kingswood Subdivision and Price Rd. spoke in opposition of the Annexation and Rezoning: Andrew Desmond, Jeff Pritchett, Mary Carroll, Debra Gulas, John Ryckely, Doug Powell, and Michael Koency. Residents main concerns were traffic issues, property value, high density homes, police protection, schools, and other environmental issues.

Chair Murphy called for Commissioner comments: Several commissioners made comments concerning possible need for traffic study, size of the proposed homes, if streets and utilities will be private and maintained by HOA or owned the city.

Chair Murphy called for a motion on the Annexation.

**Motion:** Vice-Chair Menchinger moved to make an unfavorable recommendation on annexation of the 29.65 acres.

**Second:** Commissioner Anderson

**Vote:** Unanimous

Motion carried.

Chair Murphy informed the P&Z Commission that since the vote on the annexation was unfavorable, there would be no need to vote on the associated rezoning.

**Fayette Ventures, LLLP. - Behind Hwy. 92 & Jimmy Mayfield Rezoning Request/File #16-023.** Parcel ID Numbers 0517-028, 0518-118, 0518-0119, 0518-0120, 0518-0121. Rezoning Request for approximately 69 acres from OS, C-3, and R-THC.

Chair Murphy called for staff report on the project. Ms. Prince reported. The 68-acre undeveloped site is located along the Highway 92 Connector and Jimmy Mayfield Blvd. Three parcels are currently zoned C-3 (Highway Commercial) one parcel is currently zoned R-THC (Residential Townhouse Condominium) and one parcel is currently zoned OS (Open Space). All five parcels are located within the 2003 Southside Master Plan area.

Adjoining properties and zoning are as follows:

- To the north is zoned PCD (Planned Community Development) and C-3 (Highway Commercial)
- To the south is zoned R-40 /county (Single Family Residential)
- To the east is zoned C-3 (Highway Commercial) and R22 (Single Family Residential)
- To the west is zoned C-3 (Highway Commercial) and AR/county (Agricultural-Residential).

The applicant is requesting to rezone the five properties to R-THC/PUD (Residential Townhouse Condominium) for development of a residential community. The subject parcels would be combined with a neighboring property to the south, which the applicant has requested be annexed into the City of Fayetteville.

The proposed conceptual site plan shows a total of 192 single family detached and 78 townhouses on the 98.56-acre site. The requested R-THC zoning allows townhouses and single family detached homes at a density of six units per acre. The applicant's concept plan shows an overall density of three units per acre, however, by staff's calculations, the density is actually 3.5 units per acre. It should be noted that the plan for the development is conceptual in nature and the exact calculations of floodplains, etc. would not be completed until engineering plans are drawn.

The townhouse development will wrap around the Ingles property and 100 feet Georgia Power transmission line easement. To the west, the townhouse development will abut commercial property that fronts on Highway 85 in Fayette County. South of the townhouse development are two residential properties zoned R-40 in Fayette County. To the east of the townhouse development is designated open space and floodplain.

The 192 single family detached lots propose ingress and egress via two entrances on the Highway 92 Connector. The proposed single family subdivision is bordered on the west by open space and floodplain. To the south, the single family lots are bordered by open space, floodplain, and a three-acre lake. The Kingswood subdivision is southeast of the proposed subdivision but it is buffered by the open space, floodplain and lake. Additionally, the City of Fayetteville Zoning Ordinance requires a buffer of 30 feet between R-THC zoning and R-40 zoning and the conceptual plan appears to far exceed that requirement. To the north and the east, the proposed subdivision abuts the Ramah Road and Jimmy Mayfield rights of way. The minimum highway corridor buffers along these roads would be 25 feet, planted to city standards. However, the conceptual plan shows

a 25 feet buffer along Ramah Road (Highway 92) and a 50 feet buffer along Jimmy Mayfield (Highway 92).

**Staff recommends** approval of the rezoning request with the following condition:

A 50 feet planted buffer shall be provided between the townhouse development and the R-40 zoned lots to the south.

Chair Murphy called on the applicant for comments. Mr. Bob Rolader gave an overview of the project.

Chair Murphy called for Public Comments: Several County residents from the Kingswood Subdivision and Price Rd. Estates spoke in opposition: Andrew Desmond, Jeff Pritchett, Mary Carroll, Debra Gulas, John Ryckely, Doug Powell, and Michael Koency. Residents main concerns were traffic issues, property value, high density homes, police protection, schools, and other environmental issues.

Chair Murphy called for Commissioner comments. No Comments

Chair Murphy called for a motion on the Rezoning Request.

**Motion:** Vice-Chair Menchinger moved to make an unfavorable recommendation on rezoning of 69 acres.

**Second:** Commissioner Renfroe

**Vote:** Unanimous

Commissioner Gulas returned to the meeting.

**Ordinance Amendment, Consider text amendment to City of Fayetteville Code of Ordinances. Chapter 94 zoning** (section 94-166) Community commercial (C-2).

Chair Murphy called for staff report. Ms. Prince reported Staff has been researching the impacts of crematoriums on nearby properties and how crematoriums are regulated in other cities. We are also researching appropriate locations for such services.

Due to the unanticipated complexity of this issue, staff is still researching the topic and anticipates bringing forward a recommendation in November. Staff's current recommendation is to **Table** this agenda item until the November 15, 2016 Planning and Zoning Commission meeting.

**Motion:** Commissioner Collins moved to Table until the November 15, 2016 Planning & Zoning Commission Meeting.

**Second:** Commissioner Anderson

**Vote:** Unanimous

## **NEW BUSINESS**

**Southern Behavioral Healthcare PC** - 110 Braxton Court, Parcel ID Number 0523-089. Development Plans for modification of existing structure (increase footprint by 500 square feet.) File # 16-029.

Chair Murphy called for staff report on the project. Ms. Prince reported. The applicant is proposing the addition of new enclosed main (+/- 500 sf) entry area with a covered entry portion (+/- 90sf). The building will continue to be used as medical office.

Lastly existing cracked concrete parking area front of the building will be enhanced by minor repairs. Also a new layer of asphalt pavement and restriping will be performed as shown on civil drawings.

**Staff recommends** approval of the proposed development/renovation plans with the additional square footage.

Chair Murphy called on the applicant for comments. Ms. Salewa Taiwo gave an overview of the project.

Chair Murphy called for Public Comments – No Public Comments.

Chair Murphy called for Commissioners Comments – No Comments.

Chair Murphy called for motion on Development Plans.

**Motion:** Commissioner Collins moved to Approve the Development Plans as submitted.

**Second:** Commissioner Anderson

**Vote:** Unanimous

**Bojangles Restaurant** - 810 South Glynn Street, Parcel ID Number 0517-101. Special Exception request to allow a restaurant with drive-thru. Variance requests to reduce the required landscape buffers, required green space percentage and required size of a handicap parking space. File #16-030.

Commissioner Gulas recused himself.

Chair Murphy called for staff report on the project. Ms. Prince reported restaurant is requesting a special exception and three variances for the property that they have under contract at 810 South Glynn Street. This property is the last remaining undeveloped outparcel at the Summit Point shopping center and it is 1.117 acres in size. Full engineered development plans have not been submitted for this project. The applicant has indicated that if the special exception and variances are approved, they will then submit development plans for review.

The subject property is zoned PCD. To the north of the property is Wendy's restaurant, another Summit Point outparcel zoned PCD. To the east of the property is the Summit Point shopping

center, also zoned PCD. To the south of the property is Chase bank, another Summit Point outparcel zoned PCD. To the west, across Highway 85, is the Kroger shopping center, which is zoned C-3.

### **Staff Recommendation.**

Based on the analysis of the Special Exception for drive through facilities application, using the City of Fayetteville Special Exception Standards for Review, staff recommends approval of the application.

For the variance from Section 42-72, Foundation Buffers, based on the City of Fayetteville Criteria for Granting of Variance, staff recommends approval, provided that all of the City's other landscaping requirements are met as part of the landscaping plan to be submitted with the full engineered site development plans and that the site meets the greenspace requirements of Section 42-68. The applicant should note that the landscaping plan submitted this month was not approved.

For the variance application from Section 94-485, Handicapped Parking, staff recommends approval. Based on the City of Fayetteville Criteria for Granting of Variance, the applicant meets the intent of the ordinance by meeting the Americans with Disabilities Act standards.

For the variance application from Section 42-68, Site Design, staff recommends denial. Based on the City of Fayetteville Criteria for Granting of Variance, the applicant does not meet the intent of the ordinance which is to provide adequate space for planting of required trees. Additionally, there are no extraordinary and exceptional conditions pertaining to this particular piece of property due to its size, shape or topography

Chair Murphy called on the applicant for comments. Mr. Brian Kimsey gave an overview of the project.

Chair Murphy called for public comments – No Public Comments.

Chair Murphy called for commissioner comments No Comments.

Chair Murphy called for a motion on the Special Exception for drive through.

**Motion:** Commissioner Collins moved to Approve the Special Exception for a restaurant with drive through.

**Second:** Commissioner Anderson

**Vote:** Unanimous

Chair Murphy called for motion on Variance #1

**Motion:** Vice- Chair Menchinger moved to approve Variance #1 request from Section 42-72, Foundation Buffers.

**Second:** Commissioner Renfroe

**Vote:** Unanimous

Chair Murphy called for motion on Variance #2

**Motion:** Commissioner Collins moved to approve the Variance request from Section 94-485, Handicapped Parking.

**Second:** Commissioner Anderson

**Vote:** Unanimous

Chair Murphy called for motion on Variance #3

**Motion:** Vice-Chair Menchinger moved to deny Variance request from Section 42-68, Site Design.

**Second:** Commissioner Renfro

**Vote:** Unanimous

Commissioner Gulas returned to the meeting.

**LIDL US Operations - 1307 Highway 85 North  
Rezoning & Variance Request / File # 16-031**

Chair Murphy called for staff report. Ms. Brown reported the applicant withdrew their application.

**Pinewood Forrest LLC- 431Veterans Parkway, Parcel ID Number 0528-011.** Preliminary Plat, Phase 1B Residential for development of a mixed – use community. File# 16-021

Chair Murphy called for staff report on the project. Ms. Brown reported. The applicant is seeking preliminary plat approval for Phase 1B of the mixed –use development that will include 166 residential lots. A master Development Agreement that addresses specifics of architecture and site design was approved at the annexation stage of the project in 2013.

Although Pinewood Forrest will consist of a variety of homes styles, the architectural design of these homes will conform with the architectural design guidelines previously approved.

**Staff Recommendation**

As the first phase of this project is to specifically address housing needs, the other mixed-use components will be able to develop around and among the residential units as the market demands.

Staff agrees with this phased approach to the development of Pinewood Forrest and recommends **Approval** of the Phase 1B preliminary plat with the following conditions.



- 1) Applicant shall submit a revised preliminary plat showing approved building setbacks and any other necessary modifications.
- 2) If the USPS determines a CBU is needed for phase 1B, the applicant shall return to the P&Z Commission for location approval of CBU.
- 3) Applicant shall receive plan approval from Fayette County for the two entrances on Hood Road.

Chair Murphy called on the applicant for comments. Mr. Bill Foley gave an overview of the project.

Chair Murphy called for public comments – No Public Comments.

Chair Murphy called for commissioner comments – No comments.

Chair Murphy called for a motion on the Preliminary Plat.

**Motion:** Commissioner Collins moved to approve with the following conditions.

- 1) Applicant shall submit a revised preliminary plat showing approved building setbacks and any other necessary modifications.
- 2) If the USPS determines a CBU is needed for phase 1B, the applicant shall return to the P&Z Commission for location approval of CBU.
- 3) Applicant shall receive plan approval from Fayette County for the two entrances on Hood Road.

**Second:** Commissioner Gulas

**Vote:** Unanimous

## **STAFF REPORTS**

**Fayetteville Animal Hospital -765 Bradley Drive, Parcel ID Number 0518-127.** Ms. Brown reported on the receipt of an application from Fayetteville Animal Hospital to rezone-765 Bradley Drive, Parcel ID Number 0518-127 from O&I to C-3 to convert the former daycare into an animal hospital. Mr. Shawn Rainey gave an overview of the project. The P&Z Commission was given the opportunity to ask questions of the applicant and render comments.

**Meeting Reminder-** Because of the Thanksgiving Holiday, the November P&Z Commission Meeting will be held on Tuesday, November 15, 2016.

Chair Murphy called for motion to adjourn.

**Motion:** Commissioner Collins moved to adjourn the meeting of October 25, 2016.

**Second:** Vice-Chair Menchinger

**Vote:** Unanimous

***Meeting Adjourned.***

Respectfully Submitted,

Valerie Glass  
Deputy City Clerk